

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-258)  
110TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 718, L.D. 850, Bill, "AN ACT  
Relating to the Used Car Information Act."

Amend the bill by striking out everything after the enacting  
clause and inserting in its place the following:

'Sec. 1. 10 MRSA §1475, sub-§1, as enacted by PL 1975, c. 770,  
§57, is repealed and the following enacted in its place:

1. Written disclosure statement. No dealer may sell,  
negotiate the sale of, offer for sale or transfer any used motor  
vehicle, unless he affixes to the vehicle a conspicuous written  
statement containing the information required by subsection 2.

Sec. 2. 10 MRSA §1475, sub-§2, ¶B, as enacted by PL 1975,  
c. 770, §57, is amended to read:

B. The dealer's duty to promptly disclose the name and address  
of the previous owner of the motor vehicle, or dealer, upon the  
request of any person, the principal use to which the motor  
vehicle was put by that owner such as personal transportation,  
police car, daily rental car, taxi or other descriptive term,  
and the type of sale or other means by which the person acquired  
the motor vehicle, such as trade-in, sheriff's sale, repossession  
auction or other descriptive term, to the extent that such in-  
formation is reasonably available to the person;

Sec. 3. 10 MRSA §1475, sub-§2, ¶C and D, as enacted by PL 1975, c. 770, §57, are amended to read:

C. A statement identifying any and all mechanical defects known to the dealer at the time of sale; and

D. A statement identifying the type of damage, if any, that the vehicle has sustained, such as fire, water or substantial collision damage, if such information is known to the dealer; and

Sec. 4. 10 MRSA §1475, sub-§2, ¶E is enacted to read:

E. A statement, if applicable, that implied warranties with respect to the vehicle are excluded or modified. Nothing in this paragraph may be construed to affect the requirements of Title 11, section 2-316.

Sec. 4. 10 MRSA §1477, sub-§2 is enacted to read:

2. Civil penalty. In addition to any other remedy, if a dealer violates this chapter, he shall be liable to the purchaser in an amount determined by the court <sup>or</sup> not less than \$100 nor more than \$1,000 and for costs and reasonable attorney's fees. No action may be brought <sup>for a civil penalty</sup> under this subsection more than 2 years after the date of the occurrence of the violation. No dealer may be held liable <sup>for a civil</sup> under this subsection if he shows by a preponderance of evidence that the violation was unintentional and a bona fide error, notwithstanding the maintenance of procedures reasonably adopted to avoid any such error.'

Statement of Fact

The purpose of this amendment is to ensure that the used car disclosures which state law already requires will be given to consumers when the information will be useful. This amendment would require that existing disclosures be affixed to a used car as soon as it is parked on the sales lot. If a dealer disclaims implied warranties on the car, a short, simple statement to that effect would also have to appear on the car. The name and address of the prior owner, which must be listed under present law, would no longer have to be given unless a customer requests.

Reported by the Committee on Business Legislation.  
Reproduced and distributed under the direction of the Clerk of the House.

4/28/81

(Filing No. H-258)